

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

MARC S. KIRSCHNER, as the Trustee of  
the Refco Litigation Trust,

Plaintiff,

v.

CHRISTOPHER SUGRUE and JOHN  
DOES,

Defendants.

SUMMONS IN A CIVIL CASE

CIVIL ACTION NO.: 07-645 (SLR)

TO: (Name and address of Defendant) Christopher Sugrue  
Route de La Louvière 60  
1243 Presinge  
Switzerland CH-1254

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEYS (name and address):

Gregory W. Werkheiser  
MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899

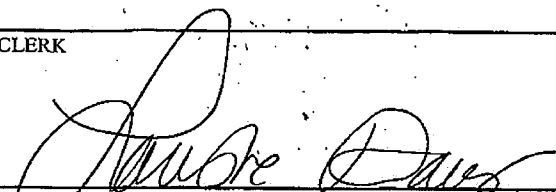
an answer to the complaint which is served upon you with this summons, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**PETER T. DALLEO**

**JAN 14 2008**

CLERK

DATE

(By)  DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> ) Parquet Du Procureur General	TITLE Police

*Check one box below to indicate appropriate method of service.*
☐ Served personally upon the defendant. Place where served:

Left copies thereof at the defendant's dwelling house or usual place of abode with person of suitable age and  
☒ discretion then residing therein

Name of person with whom the summons and complaint were left: Not Given.

☐ Returned unexecuted:

☐ Other (specify):
**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on: 5/20/08  
Date

Parquet Du Procureur General  
Signature and Address of Server  
Place du Bourg-de-Four I  
Case Postale 3565  
1211 Geneve 3  
Genf (Geneve)  
Switzerland

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

Case Name: Kirschner v Sugrue  
 Defendant: Christopher Sugrue  
 Court Case No.: 07-645 (SLR)

**CERTIFICATE  
 ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,  
*L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention.*

**1) that the document has been served\***

*1. que la demande a été exécutée*

- the (date)

- le (date) May 20, 2008

- at (place, street, number)

- à (localité, rue numéro) PRESINGE, route de La-Louvière 60

- in one of the following methods authorised by article 5-

*- dans une des formes suivantes prévues à l'article 5:*

☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention\*.

a) *selon les formes légales (article 5, alinéa premier, lettre a).*

☒ (b) in accordance with the following particular method\*:

b) *selon la forme particulière suivante:* Service carried out by the police

☐ (c) by delivery to the addressee, who accepted it voluntarily.\*

c) *par remise simple*

The documents referred to in the request have been delivered to:

*Les documents mentionnés dans la demande ont été remis à:*

- (identity and description of person)

- (identité et qualité de la personne) Mr. Christopher SUGRUE

- relationship to the addressee (family, business or other):

- liens de parenté, de subordination o autres, avec le destinataire de l'acte: \_\_\_\_\_

**2) that the document has not been served, by reason of the following facts\*:**

*2. que la demande n'a pas été exécutée, en raison des faits suivants:*

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.

*Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.*

LIST OF DOCUMENTS: Summary of the Document to be Served, Complaint to Avoid and Recover Fraudulent Transfers and for Breaches of Fiduciary Duties, Exhibit "A", Exhibit "B", Summons and Notice of Pretrial Conference in an Adversary Proceeding, Translations

**Annexes**

*Annexes*

Documents returned:

*Pièces renvoyées:*

In appropriate cases, documents establishing the service:

*Le cas échéant, les documents justificatifs de l'exécution:*

Done at

Fait à Geneva

, the

, le June 27, 2008

Signature and/or stamp.

*Signature et/ou cachet.*

(signature) (stamp)

\* Delete if inappropriate.  
*Rayer les mentions inutilisées.*

Case Name: Kirschner v. Sugrue  
 Defendant: Christopher Sugrue  
 Court Case No.: 07-645 (SLR)

**CERTIFICATE  
 ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,  
*L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,*

**1) that the document has been served\***

*1. que la demande a été exécutée*

- the (date) **20.05.2008**  
 - le (date)

- at (place, street, number)

- à (localité, rue numéro) **PRESINGE, route de La-Louvière 60**

- in one of the following methods authorised by article 5-

*- dans une des formes suivantes prévues à l'article 5:*

☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention\*.

*a) selon les formes légales (article 5, alinéa premier, lettre a).*

☒ (b) in accordance with the following particular method\*:

*b) selon la forme particulière suivante:* **Notification exécutée par la police**

☐ (c) by delivery to the addressee, who accepted it voluntarily.\*

*c) par remise simple*

The documents referred to in the request have been delivered to:

*Les documents mentionnés dans la demande ont été remis à:*

- (identity and description of person)

*- (identité et qualité de la personne)* **Monsieur Christopher SUGRUE**

- relationship to the addressee (family, business or other):

*- liens de parenté, de subordination o autres, avec le destinataire de l'acte:*

**2) that the document has not been served, by reason of the following facts\*:**

*2. que la demande n'a pas été exécutée, en raison des faits suivants:*

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.

*Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.*

**LIST OF DOCUMENTS:** Summary of the Document to be Served, Complaint to Recover Fraudulent Transfers Pursuant to 11 U.S.C. § 550, Exhibit "A", Exhibit "B", Letter, Summons in a Civil Case, Civil Cover Sheet, Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction, Translations

**Annexes**

*Annexes*

**Documents returned:**

*Pièces renvoyées:*

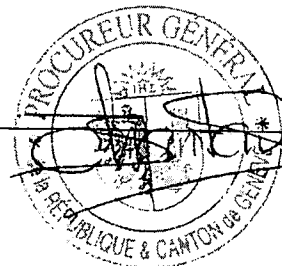
In appropriate cases, documents establishing the service:

*Le cas échéant, les documents justificatifs de l'exécution:*

Done at **Genève**

, the **27.06.2008**

Signature and/or stamp.  
*Signature et/ou cachet.*



APPLICANT IS AUTHORIZED TO SERVE JUDICIAL PROCESS UNDER THE UNITED STATES FEDERAL RULES OF CIVIL PROCEDURE AND UNDER THE RULES OF CIVIL PROCEDURE OF THE STATE OF: Delaware

## REQUEST

### FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

#### DEMANDE AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the Service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

**Identity and address of the applicant**  
*Identité et adresse du requérant*

Josh R. Cobb  
APS INTERNATIONAL, LTD  
APS International Plaza  
7800 Glenroy Road  
Minneapolis, Minnesota 55439-3122  
U.S.A.  
Tel. 952.831.7776 Fax: 952.831.8150  
Email: JCobb@CivilActionGroup.com

**Address of receiving authority**  
*Adresse de l'autorité destinataire*

PARQUET DU PROCUREUR GÉNÉRAL  
Place du Bourg-de-Four 1  
Case Postale 3565  
1211 Genève 3  
Genf (Genève)  
  
Switzerland

The undersigned applicant has the honour to transmit -- in duplicate -- the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,  
(identity and address)

Le requérant soussigné a l'honneur de faire parvenir -- en double exemplaire -- à l'autorité destinataire les documents ci-dessous énumérés, en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:

(identité et adresse) Christopher Sugrue

Route de La Louvière 60, 1243 Presinge, Switzerland, CH-1254

Tel:

[X] (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.\*

a) *selon les formes légales (article 5, alinéa premier, lettre a).*

[ ] (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)\*:

b) *selon la forme particulière suivante (article 5, alinéa premier, lettre b):*

[ ] (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)\*.

c) *le cas échéant, par remise simple (article 5, alinéa 2).*

The authority is requested to return or to have returned to the applicant a copy of the documents -- and of the annexes\* -- with a certificate as provided on the reverse side.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte -- et de ses annexes -- avec l'attestation figurant au verso.

**List of documents**

*Énumération des pièces*

--Complaint to Recover Fraudulent Transfers  
Pursuant to 11 U.S.C. § 550

--Exhibit "A"

--Exhibit "B"

--Letter

--Summons in a Civil Case

--Civil Cover Sheet

--Notice of Availability of a United States Magistrate  
Judge to Exercise Jurisdiction

--Translations

--Summary of the Documents to be Served

Done at

Fait à Minneapolis, Minnesota, U.S.A.

, the 4/11/08  
le

Signature and/or stamp.  
*Signature et/ou cachet.*



(Formerly OBD-116 which was formerly LAA-116,  
both of which may still be used)

USM-94

(Est. 11/22/77)

\* Delete if inappropriate.

. Rayer les mentions inutiles